

**Summarized Detainee Sworn Statement**

***The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.***

***The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.***

***The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents.***

***The Recorder confirmed that she had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.***

***The Tribunal President, referring to the Detainee Election Form, made the following statement:***

Tribunal President: Mahbub Rahman, I understand that you called three witnesses for this hearing. The Personal Representative informed me in early November regarding your three witnesses and I determined from the information provided to me that their testimony would be relevant to this Tribunal. I'd like to confirm the identification of the three witnesses. The first witness was identified as Azimullah. Is that correct?

Detainee: Yes.

Tribunal President: Okay. The second witness was identified as Mohammed Salim. Is that correct?

Detainee: I know him by only Salim. I don't know about Mohammed being his name.

Tribunal President: I understand. The third witness, I believe you've identified as Rahman Tulah is that correct?

Detainee: Yes.

Tribunal President: I directed the United States government to attempt to contact these witnesses to provide testimony for you, specifically to ask these witnesses if they would like to provide testimony. Your first witness Azimullah, has been located and has agreed to provide testimony today. After we receive your statement we will ask the witness to come here and provide his testimony later. The second witness Salim, has also been located. Unfortunately he is in another location and last reported to this Tribunal President as being in U.S. custody in Bagram, Afghanistan. We have provided questions to obtain his testimony but as of today's date we have not received a response. I make the ruling that this witness is not available at this time. I've directed the Personal Representative to follow up with Bagram and obtain testimony if it's available. If he does receive testimony, I've directed the Personal Representative to meet with you about that testimony and provide it to me if you so desire at a later time. I would review the

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testimony if provided to me and consider its relevance to this hearing. Your third witness Rahman Tulah, the United States government has not been able to locate. I would like you to provide us a little more information or any more information you have regarding this person identification or who this person is, where you last saw him and so forth, just to clarify our records. Can you tell us more about Rahman Tulah?

Detainee: Okay.

Tribunal President: Please.

Detainee: Rahman Tulah was with me in same Madrassa that I was going to. His tribe is name is Sadarai.

Tribunal President: Do you have a name for the Madrassa?

Detainee: Faizul Quran.

Tribunal President: Thank you. Continue please.

Detainee: He was captured with me on the same day at the same time.

Tribunal President: Can you give us more information on the circumstances of your capture that might help us?

Detainee: Explain the whole situation of how we got captured?

Tribunal President: That would be helpful.

Detainee: When I came from Pakistan to Afghanistan I met with Azimullah and he called him (Rahman Tulah) and he came and saw in the mosque where I was staying by the graveyard. Should I explain the whole situation of how we got captured?

Tribunal President: We are interested in the last person Rahman Tulah. Did you see him at the same time you were captured? Did you see him in U.S. control or Pakistan control or Afghanistan control? Actually, the Personal Representative may have some more information for us.

Personal Representative: Sir, just to let you know, from previous meetings my notes indicated that Rahman Tulah was captured with the Detainee. He was about 25 or 26 years old. He is an Afghani and he was with him (the Detainee) in Bagram. That was the only information he knew at that time.

Tribunal President: The clarification then, I stand corrected, Personal Representative you did meet with the Detainee at a prior time to ask these kinds of questions previously?

Personal Representative: Yes, sir I did.

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Tribunal President: I do know that the United States government did try to follow up on your identification and has not been able to locate this particular person given that information. So, I make the ruling again that witness number three, Rahman Tullah is not reasonably available because we are unable to locate him given the information we have been provided. I would ask the Personal Representative to remind the Tribunal at a later time to assure that we ask the Detainee regarding what this witness would have provided to us if he had been able to make it available for us. Mahbub Rahman, we are now able to proceed to the point in the Tribunal where you can provide us information.

Detainee: Okay.

Tribunal President: With a few more instructions first.

Detainee: Okay.

Tribunal President: You may now present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. I understand that you wish to make a statement to this Tribunal, is that true?

Detainee: Yes.

Tribunal President: Mahbub Rahman, would you like to make your statement under oath?

Detainee: Yes.

***The Recorder administered the Muslim oath to the Detainee.***

***The Tribunal President opened the Tribunal to the Detainee to make his statement.***

Tribunal President: Before you proceed, just a reminder that this Tribunal has not received any other information other than what we've heard about you today. You may have told the government other things earlier and they may be provided to us later but right now this is all we know.

Detainee: Okay.

Tribunal President: I'd appreciate your statement at this time.

***The Personal Representative assisted by repeating the unclassified evidence.***

***3.a. The Detainee is associated with al Qaida and the Taliban:***

***3.a.1. The Detainee agreed to spy on the Americans.***

Detainee: As of this day, I have never been apart of al Qaida or Taliban. I have never had any kind of relations with them. Also, I have never spied on Americans.

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*3.b. The Detainee participated in military operations against the United States and its coalition partners.*

*3.b.1. The Detainee acknowledged shooting an Afghan Militia Force (AMF) soldier and two civilians in April 2003.*

Detainee: I did not shoot any AMF or other Afghans. The people I did shoot were my personal enemies from a personal dispute.

*3.b.2. The Detainee directed others to a cemetery used as a staging and hiding area prior to assault on Firebase Salerno.*

Detainee: I wasn't waiting in the graveyard to gather more people to fight or take on the American base. I was waiting for my friend Salim. When we met, I could go home and that's why I was waiting there. I was waiting for my friend.

*3.b.3. Afghan Militia Forces captured the Detainee and three others on 1 June 2003.*

Detainee: That's true that I got captured but I was waiting for my friend, sleeping in the mosque in the cemetery.

*3.b.4. When captured, the Detainee had in his possession two AK-47s, bayonets, a binocular, and a spare videocassette for a video camera in the possession of one of the three other captured comrades.*

Detainee: All of those other things were not captured with me. The only thing I was carrying was one weapon, which I took from someone else for my personal safety. I do have some personal differences and I have to protect myself. That is why I was carrying that one gun. The second AK-47 belonged to Salim. They were both wrapped in a blanket inside the mosque so when we got captured I did not see it. I don't know if they got both AK-47s or just one. They were in a blanket and I didn't see what happened to it when we got captured.

*3.b.5. The Detainee did no surrender willingly; gunshots and grenades were exchanged with the AMF.*

Detainee: No, there was no fight. I was sleeping in the mosque when the soldiers woke me up. I asked them what happened and they told me to just get up so they could ask me some questions. I got up and they put me in a car, brought me to the airfield and took me to Bagram and from Bagram I was brought here. So there was no fight. Of all the allegations that were made, only one thing is true and that was about the two AK-47s. I said one was mine and the other was my friend's. Everything else is false. I do have a witness. All the answers I've given to the Tribunal and I told the same thing to the interrogators and I have a witness for every question.

Tribunal President: Mahbub Rahman, does that conclude your statement?

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Detainee: Also, just the answer for the allegations, if the Tribunal wants me to tell the story of how we got captured, I can tell that too.

Tribunal President: It's your choice, if you want to share that with us.

Detainee: I want to tell it.

Tribunal President: Please.

Detainee: I was at the Madrassa close to my home and was going somewhere, so I got in the car. I got in the car first and my personal enemy got in second. He was sitting in the same car and after a while he smoked some hashish.

Personal Representative: Was it a car or a bus?

Detainee: It's a mini coach.

Personal Representative: Okay.

Detainee: So he smoked some hashish and he had a gun with him. He was talking bad to me about my family. He actually grabbed me because we were sitting close. I told him not to touch me or talk to me. I told him to talk to everyone else in the coach. Somebody told me he was an enemy of our family. I told him again not to touch or talk to me but he was still cussing. We argued with each other and then we started fighting. He went to reach for his gun. I told the people in the coach that he has a gun and he's going to kill me because he killed my brother before. He was reaching for his gun and I grabbed for it too. We fought for it and after some time the gun was in my hands. We got off the coach and I ran from him so I could get the weapon far from him because he was going to use it. He ran after me and I told him don't come because I was scared that if he got the gun he would shoot me. I told him to stop and he didn't stop. I didn't have a choice and I shot him. The other people in the coach told him to leave me alone because I was just a kid. He told them not to come close to us and if they did he would shoot them also once he got the gun from me. When I shot at him I shot at his legs. I threw the gun down and ran from that place. Afghan soldiers came after me. I don't know if they close to that area or how they knew but they came after me. They called for me to stop and fired at me. I got hurt on one of my fingers. I ran from those soldiers to another village and I hid. Finally I decided not to go back home so I went to Pakistan for just a short time to get away from the area. I got to Pakistan and went to the Madrassa. I was living there in the Madrassa. I was going to the mosque to pray and back to the Madrassa for two months. My brother came to Pakistan looking for me. We don't have any relatives in Pakistan so he knew that I wasn't with anyone that we know. He knew that in Afghanistan I was going to a Madrassa that's why he was looking in different Madrassas. Finally he found my Madrassa and he was telling people that I ran away from home and that they were trying to make peace with our enemies so I needed to come back. I wasn't in the Madrassa the day when he came. When I came back to the Madrassa people told me that there was a person looking for his brother. I heard other people saying this but I didn't tell them that it was me that he was looking for. I went to ask the teacher of the Madrassa if I could go home. He didn't let me go home because it was the middle of the class.

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He said when I finished my scroll I could go. I stayed and after a while he let me go home. I told the teacher the whole story about what had happened because he wanted to know why I was going. I told him that one person killed my brother and what happened to me so I ran away. I told him that my family didn't know where I was and since my brother came and said that they were going to make peace with our enemy; I want to go home. I want to be there with my family and let them know how I was doing. Finally, I said that I could go home. There was a bus station outside the Madrassa that I used to go home. The teacher came with me to the bus station and he told the driver that I was going home to Afghanistan and asked if I had money for it. I told him that I had 200 Pakistani Rupees. He took that from me and I think he gave it to the driver. He told the driver to take me to my home in Afghanistan. First the driver took me to one house before we went to my house. We spent the night there and left the next morning. There were two other staying in that house that night also. One was named Salim and I don't know the other person's name because I didn't know either of them before. When we left in the morning those two guys came with us. Since there is no road to go quickly, it was all mountains, dirt roads with rocks so we were going slowly. Each time I asked the driver how far, he would say that's all we can go and now we could go by feet. He said it's not that far and I could go by feet. The other two people left the bus too. One was Salim, and I don't know the other one. I asked them where they were going and the one person who said his name was Salim, said that his tribe Enokro (ph) and he was going to Khost. I asked the driver that since I was going by feet and I still have enemies could I borrow his gun and he said yes. He told me that once I got home to give the weapon to Salim. When I got to Khost and I told him that I was going home they said no just to wait here because we are going to another village Kundiu (ph) and will be back. I went to Azimullah, he was in the Madrassa, because we were hungry. I also asked him if he could direct these people to Kundiu (ph) because I was tired and I couldn't walk with them. Azimullah also called (inaudible) and we stayed in the mosque. The mosque was in the cemetery. We spent the night in the mosque, in the cemetery and the next morning Salim said let's go to the village. Azimullah, Salim, and I went to the village and Salim stayed in the village. He told me to wait for him in the mosque in the cemetery. He said once he got there he would get the gun from me (the one I got from the driver) and then I could go home. We waited in the mosque for him but he didn't come. We stayed there the whole day and then night came so we just stayed in the mosque. Azimullah was there with me. We slept in the mosque. This is how the Afghan soldiers found us. They woke us up. That is the whole story. All of the accusations about the videotape and the camera and spying on Americans aren't true. None of it is true.

Tribunal President: Okay. At this time I would like to take a short recess to bring in your first witness, who I believe has been waiting.

Detainee: Okay. My witnesses knows the whole story. This is the story and they were with me. You can ask my witness about any of it.

***The Tribunal President explained the witness procedure to the Detainee and called for a short recess to allow the witness to be brought into the room. The Tribunal was reopened after the witness was present in the hearing room.***

Tribunal President: Azimullah, good afternoon.

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Witness: Thank you.

Tribunal President: Mahbub Rahman, is this the witness that you requested?

Detainee: Yes.

Tribunal President: Azimullah, we require that you take an oath before you provide your testimony and an oath is a promise to tell the truth. Will you take that oath?

Witness: Yes.

*The Recorder administered the Muslim oath to the witness.*

Tribunal President: Mahbub Rahman, you may ask the witness your questions to provide the testimony that you desire and your Personal Representative may assist you of course.

Personal Representative's questions to witness:

Q. How do you (Witness) know Mahbub Rahman?

A. We were in the same Madrassa. That's how we know each other.

Q. Were you with Mahbub Rahman before you were captured?

A. We were captured separately. We were captured in separate places.

Q. Before that time were you together?

A. Yes.

Q. Can you describe the circumstances of the time you were with Mahbub Rahman prior to the capture?

A. The day before we got captured we were together.

Q. What were you doing on that day?

A. We were together. We didn't do anything. We were just hanging around.

Q. Okay. Do you know why Mahbub Rahman was staying in the mosque which is inside the cemetery?

A. We was waiting for another friend. He was with me but he was staying there to wait for that friend.

Q. Okay, were you hiding in the cemetery?

A. No, he wasn't hiding. He was waiting and staying there for that friend to show up.

Q. Okay, do you know why Mahbub Rahman traveled from Pakistan to Afghanistan?

A. He came to visit home. He wanted to visit his family.

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- Q. From the time that you've known each other, have you ever known Mahbub Rahman to have fought with the Afghani Militia Force?  
A. No, he never fought.

Personal Representative: Okay, that is all the questions that I have. Unless you (Detainee) have other questions that you want ask record.

Detainee: Ask him to explain to the Tribunal anything?

Tribunal President: You can ask the Witness any question you desire.

Detainee: Can you tell the Tribunal that when I came from Pakistan and I met you and told you why I was here in Afghanistan? Can you tell the Tribunal what I told you.

Witness: He told me that [he] came here to go home and visit his family. Those were the only reasons.

Detainee: Can you tell the Tribunal did I ever fight Afghan forces or anyone else or shot anyone?

Witness: No, he didn't tell me that he fought with someone nor have I heard that he fought with someone.

Detainee: When I was staying at the mosque in cemetery, can you tell the Tribunal if I was there waiting to fight the Americans or was I waiting for Salim to come and meet him?

Witness: The only reason he was still in there was not [to] fight with anyone or do anything else but he was waiting for Salim with me. He was waiting for Salim to come and meet.

Detainee: Could you tell the Tribunal then when I came for Pakistan to Afghanistan, did you see anything with me like video or video cassette or anything like that with me?

Witness: No, I did not see it with him and he did not have anything with him.

Detainee: Can you tell them that when I came from Pakistan to Afghanistan, did I come to spy on either on the Americans or on Afghan forces? I wasn't associated associated with any Taliban or al Qaida. Why did I come?

Witness: No, he did not come to spy on Americans. He isn't associated with Taliban or al Qaida. The only reason [he] came was to see his family.

Detainee: That's all.

Tribunal President: Personal Representative, do you have any questions for the witness?

Personal Representative: I have no further questions sir.

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Tribunal President: Recorder, do you have any questions for the witness?

Recorder: No sir.

Tribunal President: Does the Tribunal panel have any questions for the witness?

Tribunal Members' questions to the Witness:

Q. I understand that you were with the Detainee the day before you were captured. Did you know him before that time?

A. Yes.

Q. How long?

A. I don't exactly how long but we were studying in the same Madrassa together.

Q. For a year, ten years, or a month?

A. A year or a year and a half or somewhere like that.

Q. Do you know if he had any military training at all?

A. No, he never had any military training.

Q. Did you see him with a weapon on the day before you were captured?

A. I did not see a weapon with him.

Detainee: No, they mean the time when I came from Pakistan to Afghanistan. In that time, did you see a weapon with me?

Witness: Yes, I saw a weapon with him at that time.

Tribunal Member: So when you were together the day before you were captured you saw him with a weapon?

Witness: Yes.

Tribunal Member: Why did he have a weapon?

Witness: I don't know why he was carrying a weapon.

Tribunal Member: Did you ask him?

Witness: No, I didn't ask him.

Detainee: When I was coming from Pakistan, I told you (Witness) why I had the weapon. What did I have it for?

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Witness: He told me that he got that gun for his personal safety because he had some personal/family enemies and he wanted to go home safely.

Tribunal President: (to the translator) Please advise the Detainee, Mahbub Rahman that he can ask follow up questions later but later. I would like the panel (member) to finish his questions first.

Detainee: I'm sorry.

Tribunal President: That's fine. (To the Tribunal Member) Continue.

Tribunal Member: Where exactly were you apprehended? What city?

Witness: We did not get captured together. We were captured in separate places.

Tribunal Member: Do you know where he was apprehended?

Witness: Yes.

Tribunal Member: Where?

Witness: In that mosque in the cemetery.

Tribunal Member: I don't know yet where that mosque is.

Witness: The area doesn't really have a name because there is no village close to it. There is just a cemetery and a mosque in the cemetery.

Tribunal Member: What's the nearest city?

Witness: There is a village that is very far from the area and I don't know village the name.

Tribunal Member: I really have no idea of where we are talking about yet. Can you just give me the closest large city in Afghanistan?

Witness: Khost.

Tribunal Member: Was there an American base near by?

Witness: The place where he got captured there was no close base.

Tribunal Member: Did you know why Mahbub went to Pakistan?

Witness: No, did not hear that information.

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Tribunal Member: Okay. Was there anyone else with Mahbub at the mosque when he was arrested?

Witness: Yes, there was one other person with him.

Tribunal Member: Did you know that other person before?

Witness: Yes, I know him.

Tribunal Member: Okay. What other possessions did Mahbub have with him at the time of his arrest?

Witness: No, I didn't hear any information on that.

Tribunal Member: Do you know the name of the person with Mahbub when he was arrested?

Witness: Machma Daila (ph/inaudible).

Tribunal Member: You said that you knew Mahbub Rahman at the Madrassa. What was the Madrassa's name?

Witness: The area where the Madrassa is located is Shinkai.

Tribunal Member: Okay. How long were you together in the Madrassa?

Witness: Like one month together.

Tribunal Member: Why were you traveling to Afghanistan?

Witness: It's my country and I was in Afghanistan.

Tribunal Member: Oh okay. But you did travel with Mahbub?

Witness: No, we did not travel anywhere else. (the next sentence was inaudible)

Tribunal Member: Did you have a weapon when you were captured?

Witness: No, I did not have a weapon with me.

Tribunal President: Mahbub Rahman, do you have any further questions for the Witness?

Detainee: Sorry I interrupted the questions because when he answered he thought you were asking him about long ago when we first knew each other. That's why I said no the time when I went to Afghanistan, did you see a weapon with me, and all the information.

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Tribunal President: Okay. I think we've clarified the answer. Did you have any more questions for the witness?

Detainee: No.

***The Tribunal President called for a short recess to allow the witness to be removed from the room. The Tribunal re-opened recess with the witness absent from the room.***

Tribunal President: Mahbub Rahman, we are now to the point of the hearing where we can ask you some questions. Personal Representative, do you have any questions for the Detainee?

Personal Representative: Just one question sir. Mahbub, can you explain to the Tribunal a little bit more your personal enemy? What was the reason for you having this personal enemy? Explain that in some more detail.

Detainee: I had an older brother; I was a kid at the time and don't remember when he died. My parents and my brothers and sisters told me the story that my brother was a soldier. One person had a dispute with him and killed my brother. My parents knew who killed my brother but me and my brothers and sisters didn't know who killed our brother. After a longtime when I was at that Madrassa (inaudible phrase) this one person was coming to the mosque. During wheat season people would cut wheat for the money and to get a share of the wheat and I knew this same person from working wheat and mosque. That day when I was going on that coach, this person that I knew from wheat and the mosque was there and my enemy was there also. That person asked me if I knew who killed my brother and I said no. He pointed to this other person and said that this was person who killed your brother. I was at that Madrassa for a longtime and I finished that and then I went to another Madrassa so for a longtime I did not see him again. One time in my house, I have brothers that live in Arab countries where go they go to make money and support the family. My family was going to send me to a village because one person came from the same country that my brother was in and my family sent me to ask him when he was going back so we could write a letter and he could give it to my brother. They told me when I finished with school to go find that person and then tell the family when he is going back so they could write the letter. So I went after school to find the person and the address I had to a store was closed when I got there and I did not find the person. I was coming back and I switched vehicles because the one I was on wasn't going back to our house. When I got on the second vehicle it was going to a bazaar after our village but it was going through our village. The driver told me that he's not going to the bazaar all the way because I was the only one. He said that he would take me if he found some more people he would go straight all the way to the bazaar and drop you at your home. If not, I'm just going to turn back and you can find another taxi. He found more people and one of them was the person that was my enemy and he had a gun with him. We were going and he was smoking hashish and I guess he got high and starting talking trash about my family. I won't say all the things that he told me. That's why I told him to stop. I knew he was my enemy and now he's smoking hashish and maybe he had a gun also and I got scared. That's how the whole thing happened after that. He didn't stop. He said you're just a kid why are you talking to me like that. I could kidnap you and nobody would ever find you. I told him about my family, my parents and brother and he could not do anything to me. He said oh no, I've killed a lot of people and there is no one who comes and asks me why I

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did it. So I guessed he was referring to my brother that he killed and nobody asked him about it. That is why he was saying that he killed a lot of people and no one asked him any questions. He didn't stop talking and I was trying to stop him and finally we started fighting each other. He had a gun and went to grab it and I saw and knew that he got the gun he would be able to shot me so grabbed the gun and called for help.

Personal Representative: We understand that. But were you aware that three people were killed during that fight?

Detainee: No. The soldier and the two civilians I did not kill anyone. It's not true. I mentioned my story because they were saying that there was one Afghan soldier in the allegations. I thought they maybe referring to my enemy. That's why I tell the whole story that he got injured. I did not kill him. The allegation about the three people is not true. It never happened.

Personal Representative: That's all the questions I have sir.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: Just a couple sir.

Tribunal President: Please proceed.

Recorder's questions to the Detainee:

Q. Your personal enemy, was he a military soldier?

A. No.

Q. The gun that you used, was it your AK-47 or his gun?

A. It was my enemy's gun.

Q. Where was your AK-47 when you were captured?

A. It was in the mosque. I was waiting for my friend Salim so I could give it to him so I could go home. That's why I was waiting for him.

Tribunal President: Does the Tribunal board have any questions for the Detainee?

Tribunal Members' questions to the Detainee:

Q. What I don't understand yet is how does Rahman Tulah fit into all of this?

A. What do you mean?

Q. What role did he play in this story?

A. We were together in the Madrassa before, not now so I know him from that time because Azimullah called him and he came.

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Q. Was he with you when you were apprehended then?

A. Yes, he was in the mosque with me.

Q. Was he apprehended too?

A. Yes.

Q. Is there a Fire Base or any sort of U.S. base near this mosque?

A. No, there is no close base to the place.

Q. Salim, was he apprehended as far as you know?

A. He got captured with Azimullah together, with that group not with me.

Q. Why was that group captured as far as you know?

A. I don't have any information on why they got captured.

Q. So what would Salim be able to tell us that Azimullah hasn't already told us?

A. You mean any allegations that I explained to you?

Q. What does Salim know about what happened that Azimullah doesn't know?

A. He could tell you why I came to Afghanistan and how we traveled together and how I was waiting for him to give that weapon. Also, he can tell you that two of the AK-47s, one was his personal and the other one I was going to give to him also.

Q. Have you ever had any military training?

A. No.

Q. Have you ever been trained on how to use a rifle prior to the shooting incident?

A. No, I never had any training and nobody taught me.

Q. Did you know the enemy who you shot before?

A. Yes, that one person that told me before and that day he also was trying to kill me also and he didn't stop.

Q. But you never met this individual before that time he was pointed by his gardener?

A. No.

Q. What type of gun did you shot your enemy with?

A. With a Kalashnikov.

Q. How many rounds did you fire?

A. I'm not sure if I did two or three. But I wasn't shooting at him I was shooting the ground in front of him so he stopped and didn't follow me. I guess a bullet got to his leg.

Q. Did you know the name of your personal enemy that you struggled and fought?

A. I don't know his name.

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Q. Okay, I just wanted to clarify that.

A. I don't know the name.

Q. Your personal enemy was smoking hashish. Were other people smoking hashish on the bus as well?

A. Since he was sitting close to me, I saw him smoking but I didn't see anyone else smoking.

Q. Was your personal enemy in a uniform or any part of a uniform?

A. No, just regular clothes.

Q. Were there any other people on the bus or that vehicle that had uniforms?

A. No.

Q. From the information given to us, you were captured in June of 2003 and date isn't really important but how many months prior to your capture were you attacked or fired on by your enemy?

A. Approximately two months. I went to the Madrassa for two months and I came back for two months.

Q. Okay, I'm just trying to understand the time. You remember the Unclassified Summary of Evidence talked about spying on the U.S. Have you ever said anything about watching Americans during other interviews or interrogations since your capture?

A. No, I never told them and the only thing I told them was that I just came home from Pakistan and once I saw my family I was probably going back.

Q. I understand. I'm talking before your altercation with the personal enemy, the American forces had been in Afghanistan for over a year. Have you ever described any time that you watched Americans while they were working with the Afghan government?

A. No, I never told them and I never did any spying. So why would I tell them?

Q. I wasn't using the word spy. But watch Americans as they went around their business of working with the Afghanistan military and government. Were there any times when you talked about that during interviews?

A. No, I never told them but the Americans are there. When we go to the bazaar, they do have a place where work like the airport. You can see them. I've seen Americans in the area before.

Q. How old are you?

A. They asked me the same question before and I told them we don't follow any dates in Afghanistan and then they say just guess. I tell them maybe 19, 20, 21.

Tribunal President: Rahman, do you have any other evidence to present to this Tribunal?

Detainee: What kind of information?

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Tribunal President: It's a question we ask to see if you any other things you want to provide us, any written statement, any other document or anything you would like to provide to us.

Detainee: No, I do not have anything else. I told the Tribunal that I got captured and now the Tribunal can find out why I got captured and why I'm being held here all this time.

Tribunal President: I do have one thing I'd like to cover first. I believe one Tribunal member asked what Salim would have testified if he were here and I understand that it was pretty much the same testimony that you already received from Azimullah. I would like to ask what you think Rahman Tulaf (ph) would have provided if he had been to attend today?

Detainee: He would at least tell the Tribunal that when we got when captured, like in the allegations, that there was a fight. He can tell you that there was no fight. We were sleeping and they woke us up.

Tribunal President: Okay, thank you. And the Personal Representative has something to add.

Personal Representative: Sir, with regards to Salim, I believe the expectation of his testimony was that he would testify that the weapons found on Mahbub were actually Salim's weapons in his possession but were not his weapons.

Tribunal President: I understand. Personal Representative, do you have any other to present to this Tribunal?

Personal Representative: No, sir I do not.

*The Tribunal President confirmed with the Personal Representative that he had no further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.*

*The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.*

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

  
Colonel, USAF

Tribunal President

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